



United States Environmental Protection Agency
Washington, DC 20460
Substantiation to Accompany Claims of Trade Secrecy
Under the Emergency Planning and
Community Right-To-Know Act of 1986

Form Approved
OMB No. 2050-0078
Approval expires 8/31/2007

Paperwork Reduction Act Notice

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 9.7 hours per claim. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor such a request, and a person or facility is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Include the EPA ICR number and OMB control number in any correspondence.

Part 1. Substantiation Category

1.1 Title III Reporting Section (check only one)

☐ 303 ☐ 311 ☐ 312 ☐ 313

1.2 Reporting Year _____

1.3 Indicate Whether This Form is (check only one)

1.3a ☐ Sanitized
(answers 1.3.1a below)

1.3.1a Generic Class or Category

1.3b ☐ Unsanitized
(answer 1.3.1b and 1.3.2b below)

1.3.1b CAS Number

- -

1.3.2b Specific Chemical Identity

Part 2. Facility Identification Information

2.1 Name

2.2 Street Address

2.3 City, State, and Zip Code

2.4 Dun and Bradstreet Number

- -

Part 3 Responses to Substantiation Questions

- 3.1 Describe the specific measures you have taken to safeguard the confidentiality of the chemical identity claimed as trade secret, and indicate whether these measures will continue in the future.

- 3.2 Have you disclosed the information claimed as trade secret to any other person (other than a member of a local emergency planning committee, officer or employee of the United States or a State or local government, or your employee) who is not bound by a confidentiality agreement to refrain from disclosing this trade secret information to others?

☐ **Yes** ☐ **No**

- 3.3 List all local, State, and Federal government entities to which you have disclosed the specific chemical identity. For each, indicate whether you asserted a confidentiality claim for the chemical identity and whether the government entity denied that claim.

Government Entity	Confidentiality Claim Asserted		Confidentiality Claim Denied	
	Yes	No	Yes	No

3.4

In order to show the validity of a trade secrecy claim, you must identify your specific use of the chemical claimed as trade secret and explain why it is a secret of interest to competitors. Therefore:

- (i) Describe the specific use of the chemical claimed as trade secret, identifying the product or process in which it is used. (If you use the chemical other than as a component of a product or in a manufacturing process, identify the activity where the chemical is used.)

- (ii) Has your company or facility identity been linked to the specific chemical identity claimed as trade secret in a patent, or in publications or other information sources available to the public or your competitors (of which you are aware)?

☐ **Yes** ☐ **No**

If so, explain why this knowledge does not eliminate the justification for trade secrecy.

- (iii) If this use of the chemical claimed as trade secret is unknown outside your company, explain how your competitors could deduce this use from disclosure of the chemical identity together with other information on the Title III submittal form.

- 3.4 (iv) Explain why your use of the chemical claimed as trade secret would be valuable information to your competitors.
- 3.5 Indicate the nature of the harm to your competitive position that would likely result from disclosure of the specific chemical identity, and indicate why such harm would be substantial.
- 3.6 (i) To what extent is the chemical claimed as trade secret available to the public or your competitors in products, articles, or environmental releases?

3.6 (ii) Describe the factors which influence the cost of determining the identity of the chemical claimed as trade secret by chemical analysis of the product, article, or waste which contains the chemical (e.g., whether the chemical is in pure form or is mixed with other substances).

Part 4. Certification (Read and sign after completing all sections)

I certify under penalty of law that I have personally examined the information submitted in this and all attached documents. Based on my inquiry of those individuals responsible for obtaining the information, I certify that the submitted information is true, accurate, and complete, and that those portions of the substantiation claimed as confidential would, if disclosed, reveal the chemical identity being claimed as a trade secret, or would reveal other confidential business or trade secret information. I acknowledge that I may be asked by the Environmental Protection Agency to provide further detailed factual substantiation relating to this claim of trade secrecy, and certify to the best of my knowledge and belief that such information is available. I understand that if it is determined by the Administrator of EPA that this trade secret claim is frivolous, EPA may assess a penalty of up to \$25,000 per claim.

I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

4.1 Name and official title of owner or operator or senior management official

4.2 Signature (All signatures must be original)

4.3 Date Signed